
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

ERIC DOUGLAS CLARK,

Plaintiff,

vs.

JAMES RAY EPPS, et. al.,

Defendants.

**ORDER ADOPTING AND
AFFIRMING REPORT AND
RECOMMENDATION**

Case No. 2:24-CV-00014-DAK-JCB


Judge Dale A. Kimball

Magistrate Judge Jared C. Bennett

United States District Judge Dale A. Kimball referred this case to United States Magistrate Judge Jared C. Bennett under 28 U.S.C. § 636(b)(1)(B) [ECF No. 6]. On July 9, 2024, Magistrate Judge Bennett issued a Report and Recommendation recommending that the court dismiss the case without prejudice [ECF No. 8]. Judge Bennett explained that Mr. Clark filed his complaint in this case on January 5, 2024. Under Fed. R. Civ. P. 4(m), service of a summons and complaint must be completed no later than 90 days after the complaint is filed. After Mr. Clark failed to file proof of service under Fed. R. Civ. P. 4(l) to demonstrate that a summons and the complaint had been served on Defendant in a timely manner, the court issued an Order to Show Cause on May 14, 2024 [ECF No.7]. That order required Mr. Clark to show cause why this case should not be dismissed for lack of prosecution on or before May 28, 2024. This deadline has passed, and Mr. Clark still has not filed any response. Accordingly, this court adopts Judge Bennett's Report and Recommendation. Thus, the case is DISMISSED WITHOUT PREJUDICE for failure to prosecute under Fed. R. Civ. P. 41(b) and the court's inherent authority.

DATED this 13th day of August 2024.

BY THE COURT:


DALE A. KIMBALL
United States District Judge